



# **JURY SELECTION PLAN FOR GRAND AND PETIT JURORS**

**Effective December 4, 2014**

## DEFINITIONS

Words in this Plan which are defined in Title 28, U.S.C. § 1869 of the Act, as amended, shall have the meaning therein specified.

- A. “Master Jury Wheel” or “Master Wheel” is a figurative term designating all names being randomly selected directly from official source lists in a manner described in this Plan.
- B. “Qualified Jury Wheel” or “Qualified Wheel” is composed of those jurors who, based solely on the information provided on the juror qualification questionnaire, have been deemed eligible for service.
- C. “Petit jury” or “petit juror” shall mean a jury or juror summoned to serve at a civil or criminal trial proceeding.
- D. “Grand jury” or “grand juror” shall mean a jury or juror summoned to serve at a grand jury proceeding.
- E. “Clerk” shall mean the Clerk of Court, any authorized deputy clerk, and any other person authorized by the Court to assist the Clerk in the performance of functions under this Plan.

"Juror Selection Plan" of the United States District Court for the Northern District of Indiana.

Pursuant to the Jury Selection and Service Act of 1968, as amended (28 U.S.C. § 1861 et seq), the following plan is hereby adopted by this court, subject to approval by the Reviewing Panel for the Seventh Circuit and to such rules and regulations as may be adopted from time to time by the Judicial Conference of the United States.

1. Applicability of the Plan.

The Northern District of Indiana is divided for jury selection purposes, pursuant to § 1869(e) of the Act, as follows:

Jurors serving in the South Bend Division at South Bend shall be selected from citizens residing in that division, which is comprised of the following counties:

Cass	LaPorte	St. Joseph
Elkhart	Marshall	Starke
Fulton	Miami	Wabash
Kosciusko	Pulaski	

Jurors serving in the Hammond Division at Hammond shall be selected from citizens residing in that division, which is comprised of the following counties:

Lake	Porter
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Jurors serving in the Fort Wayne Division at Fort Wayne shall be selected from citizens residing in that division, which is comprised of the following counties:

Adams	Huntington	Steuben
Allen	Jay	Wells
Blackford	LaGrange	Whitley
DeKalb	Noble	
Grant		

Jurors serving in the Hammond Division at Lafayette shall be selected from citizens residing in that division, which is comprised of the following counties:

Benton	Newton	White
Carroll	Tippecanoe	
Jasper	Warren	

The provisions of this plan apply to all divisions in this District unless specifically indicated to the contrary.

2. Declaration of Policy.

It is the policy of this court that all litigants entitled to trial by jury shall have the right to grand and petit jurors selected at random from a fair cross section of the community in the District or division wherein the Court convenes and that all citizens resident within the District shall have the opportunity to be considered for service on grand and petit juries and shall have an obligation to serve as jurors when summoned for that purpose.

3. Discrimination Prohibited.

No citizen shall be excluded from service as a grand or petit juror in this Court on account of race, color, religion, sex, national origin or economic status.

4. Management and Supervision of the Jury Selection Process.

The Clerk of Court shall manage the jury selection process under the supervision and control of the Chief Judge.

The Clerk may use computers and other automation technologies in implementing this Plan but shall maintain a procedures manual to govern such use. The Clerk also may hire, or contract with, persons or entities to perform the duties set forth in this Plan as long as the Clerk supervises the work of such persons or entities and they certify that work has been completed pursuant to the Clerk's instructions.

5. Jury Selection Sources.

The Judges of this Court find that the sources from which the names of grand and petit jurors shall be selected at random shall be from the general election voter registration lists. The Judges do further find that such lists represent a fair cross section of the community in this District.

Accordingly, names of grand and petit jurors serving in this Court shall be selected by random procedure from the lists, as aforementioned, of registered voters of the counties within each division and who are of record as registered voters in each presidential general election as maintained in the books or lists at the Board of Elections in each county.

This plan's references to lists of registered voters shall be to voter registration lists.

If the Court, pursuant to § 1863(b)(2), should find it necessary, it may authorize the Clerk to draw names of prospective jurors from supplementary lists in addition to voter lists. The selection of names from such lists shall be done in a manner consistent with the selection procedures described in this plan.

6. Initial Selection of Names for the Master Jury Wheel.

The Judges of the Court find that the initial selection of persons to be considered for service as grand or petit jurors from the lists of registered voters shall be made at random in such a total number as may be deemed sufficient for a minimum of one (1) year.

The number of names drawn from each county shall be substantially in the same proportion to the total number drawn from all counties within the division as the number of names on that county's list of registered voters bears to the total number of names on the lists of registered voters for all counties within the division. For example, if there are exactly 240,000 names on the list of registered voters of all counties within the division and there are 48,000 names on county A's list (twenty percent of the total), then the number of county A's names initially selected should be substantially twenty percent of the total number selected from all counties within the division.

For the purpose of calculating the total number of registered voters in the respective divisions within the District, the Clerk will add together the totals obtained for each county. The number taken as the total for each county may be based, at the Clerk's option, upon either a manual or automated count of the names on the county's list or upon such total number as is furnished by the Election Board for the county.

After first determining the total number of names needed for the master wheel and then the proportionate share of names to be drawn from the list of registered voters for each particular county, the Clerk shall proceed through the use of a properly programmed data computer to make the initial selection of names from the list of registered voters of each county.

7. Method and Manner of Random Selection.

The selection of names from complete source list databases in electronic media for the master jury wheel shall be accomplished by a purely randomized process. The Jury Management System (JMS), shall be used to select names from the master wheel for the purpose of determining qualification for jury service, and from the qualified wheel for summoning persons to serve as grand or petit jurors. Such random selections of names from the source list for inclusion in the master wheel by data computer personnel must ensure that each county within the jury division is substantially proportionally represented in the master jury wheel in accordance with 28 U.S.C. § 1863 (b)(3). The selections of names from the source list, the master wheel, and the qualified wheel must also ensure that the mathematical odds of any single name being picked are substantially equal.

8. Maintaining Master Jury Wheels.

The Clerk shall maintain a master jury wheel for each of the divisions within the District. The names and addresses of all persons randomly selected from the lists of registered voters at

the last presidential general election shall be placed in the master jury wheel for that division.

The physical form of record on which names for the master wheel(s) are kept may include electronic data storage. Pursuant to § 1863(b)(4) of the Act, the minimum number of names to be placed in the master jury wheel(s) shall be at least ½ of 1% of the total number of names on all county voter lists.

The senior active judge in each of the divisions of this District may order additional names to be placed in the master jury wheel for said division from time to time as may be necessary in accordance with the formula herein described. The master jury wheels currently in full force and effect shall be emptied and refilled annually between June 30 and December 31 unless the Chief Judge shall otherwise direct.

9. Drawing of Names from the Master Jury Wheels and Completion of Juror Qualification Forms.

The Clerk, either all at one time or at periodic intervals, shall draw at random from the master jury wheels the names of as many persons as may be required to maintain an adequate number of names in the qualified jury wheels. The number of names to be drawn shall be determined by the Clerk based upon anticipated juror demands by the Court plus a margin of extra names sufficient to compensate for the estimated number that will turn out to be unavailable or ineligible.

The Clerk may have prepared, by manual or computer means, alphabetized lists of names drawn. These lists shall not be exhibited to any person except as provided herein and in § 1867 and § 1868 of the Act, as amended. The Clerk shall, by manual or computer means, prepare and have mailed to every person whose name is so drawn a juror qualification questionnaire form accompanied by instructions to execute and return the questionnaire, duly signed and sworn, to the Clerk by mail, or through the Court's internet website, within ten (10) days, in accordance with § 1864(a) of the Act, as amended.

10. Excuses on Individual Request.

The Judges of this Court hereby find that jury service by members of certain occupational classes or groups of persons would entail undue hardship or extreme inconvenience to members thereof and the excuse of such members will not be inconsistent with the Act. Accordingly, the Clerk, under supervision of the court, shall grant excuses pursuant to 28 U.S.C. § 1863(b)(5) upon individual request to:

- (a) persons over 70 years of age;
- (b) persons who have, within the past two years, served on a federal grand or petit jury panel;

- (c) persons having active care and custody of a child or children under twelve years of age whose health and/or safety would be jeopardized by their absence for jury service, or a person who is essential to the care of aged or infirm persons;
- (d) any person whose services are so essential to the operation of a business, commercial, or agricultural enterprise that said enterprise must close if such person were required to perform jury duty;
- (e) volunteer safety personnel. Such personnel are defined as those who serve a public agency in an official capacity, without compensation, as firefighters or members of a rescue squad or ambulance crew.

The Clerk, under the supervision of the court, may grant excuses of a temporary or permanent nature only to persons for whom jury service would constitute an undue hardship or extreme inconvenience at the time the jurors are summoned for jury service on a case by case basis. Such excuses shall be limited to such a period as the hardship or inconvenience dictates, and the excuse of such members will not be inconsistent with the Act. Examples are as follows:

- (a) a person who lives a great distance from the place of holding court;
- (b) a person whose illness or in whose family there is grave illness or other emergency which outweighs in immediacy and urgency the obligation to serve as a juror when summoned;
- (c) in situations where it is anticipated that a trial or grand jury proceeding may require more than thirty days of service, a person who is a key employee during the period of such service and whose absence from work for such time would result in severe economic hardship to his employer;
- (d) a person who has established business or recreational travel plans before the receipt of the summons for jury service.

#### 11. Exemption from Jury Service.

Only those persons who are exempt from jury service under the provisions of § 1863(b)(6) of the Act, as amended, shall be exempt, and thus barred, from jury service under this plan:

- (a) members of the Armed Forces on active duty, defined in 10 U.S.C. § 101(a)(4) as including only the Army, Navy, Air Force, Marine Corps and Coast Guard;
- (b) members of professional fire and police departments of any State, the District of Columbia, any territory or possession of the United States, or any subdivision of a

State, the District of Columbia, or such territory or possession; and

- (c) “Public officers” of the United States, State or local governments, who are actively engaged in the performance of public duties. A public officer is a person who is either elected to public office or who is directly appointed by a person elected to public office – in the executive, legislative, or judicial branches of the Government of the United States, or of any State, the District of Columbia, any territory or possession of the United States, or any subdivision of a State, the District of Columbia, or such territory or possession, who are actively engaged in the performance of official duties. 28 U.S.C. § 1869(l).

**(Note: As a result of the Judicial Improvements and Access to Justice Act of 1988, courts can no longer exempt other classes of persons from jury service except those listed above. Prospective jurors who are found to be exempt are barred from jury service and may not serve even if they indicate a desire to do so.)**

12. Qualifications for Jury Service.

The presiding Judges in each division, upon the Clerk’s recommendation, or the clerk under supervision of the court, shall determine solely on the basis of the information provided on the juror qualification questionnaire, and other competent evidence, whether a person is unqualified for or exempt or to be excused from jury service.

In making such determination, the District Judge or the Clerk shall deem any person qualified to serve on grand or petit juries in this District unless the person:

- (a) is not a citizen of the United States, eighteen (18) years of age or older, who has resided for a period of at least one year within this Judicial District;
- (b) is unable to read, write and understand the English language with a degree of proficiency sufficient to fill out satisfactorily the juror qualification form;
- (c) is unable to speak the English language;
- (d) is unable, by reason of mental or physical infirmity to render satisfactory jury service; or
- (e) has a charge pending against him for the commission of, or has been convicted in a State or Federal court of, a crime punishable by imprisonment for more than one year and his civil rights have not been restored.



13. Qualified Jury Wheel.

The Clerk shall maintain separate qualified jury wheels for each division and shall place in such wheels the names of all persons drawn from the master jury wheel and not disqualified, exempt, or excused pursuant to this plan. The Clerk shall ensure that at all times an adequate number of names are contained in each such jury wheel.

Unless otherwise ordered by the Court, names drawn from the qualified jury wheel shall not be made a part of the Court's public record, neither in paper nor electronic format. A request for disclosure of juror names to the media or public may be made of the judge to whom the case is assigned. The Clerk shall not release juror names to the media or public unless specifically authorized by the assigned judge.

As grand juries are required in the Fort Wayne Division, the clerk shall select, at random, prospective grand jurors from the qualified wheel of the statutory Fort Wayne Division which consists of the following counties:

Adams	Grant	Noble
Allen	Huntington	Steuben
Blackford	Jay	Wells
DeKalb	LaGrange	Whitley

As grand juries are required in the South Bend Division, the clerk shall select, at random, prospective grand jurors from the qualified wheel of the statutory South Bend Division which consists of the following counties:

Cass	LaPorte	St. Joseph
Elkhart	Marshall	Starke
Fulton	Miami	Wabash
Kosciusko	Pulaski	

As grand juries are required in the Hammond Division or the Hammond Division at Lafayette, the clerk shall select, at random a proportional number of prospective grand jurors from the qualified wheels of both divisions of the statutory Hammond Division which consist of the following counties:

Benton	Lake	Tippecanoe
Carroll	Newton	Warren
Jasper	Porter	White

Upon motion of the United States Attorney's Office and when determined by the court to be appropriate, a grand jury sitting in any division may be selected from the entire district. In such case, the clerk will draw at random from the qualified wheel of each division such number

of prospective grand jurors as may be required in the same ratio that the number of registered voters in each division bears to the total number of registered voters in the district.

Names of grand jurors shall not be disclosed at any time, except by order by the court.

The court's data processing center will prepare an alphabetical list of persons summoned. These lists shall not be exhibited to any person except as provided herein and in § 1867 and § 1868 of the Act, as amended.

Summons forms, at the option of the Clerk of Court, may be mailed to jurors by the Clerk's office, by the court's data processing center, or by a commercial mailing service.

14. Public Announcement of the Month, Day and Year of Automated Selection of Names by Court's Data Processing Center.

Drawings of names of prospective jurors by automated selection methods shall be made at the court's designated data processing center. Drawings shall be announced in a public place such as the court's website.

The office of the Clerk of Court shall retain the court's Jury Selection Plan and provide public access to the Plan.

15. Impaneling Jurors.

Names of persons summoned and/or appearing for service may be inserted in a panel assignment wheel, from which separate trial panels will be selected by lot. The Clerk shall prepare for the use of the court and counsel a separate list of names of persons assigned to each petit jury panel.

On the day of trial, the names of persons impaneled for that trial drawn from the qualified jury wheel shall be made public, provided that any District Judge, in a case or cases where the interests of justice so require, may order that the names be kept confidential until the time of voir dire examination.

16. Frequency of Service.

In any two-year period, no person shall be required to (1) serve or attend court for prospective service as a petit juror for a total of more than thirty (30) days except when necessary to complete service in a particular case, (2) serve more than one grand jury, or (3) serve as both a grand and petit juror.

17. Penalty for Failure to Appear for Jury Summons 28 U.S.C. § 1864.

If any person fails to return a completed juror qualification form as instructed, the Clerk shall thereupon pursue the matters each and all in accordance with the provisions of § 1864 of the Act, as amended.

18. Supplemental Attendance Fee for Petit Jurors Serving on Lengthy Trials 28 U.S.C. § 1871(b)(2).

The Court finds a petit juror required to attend more than ten (10) days in hearing one case shall be paid an additional attendance fee of \$10 for each day in excess of ten (10) days on which the juror is required to hear such case.

19. Penalty for Employers who Retaliate Against Employees Serving on Jury Duty 28 U.S.C. § 1875.

No employer shall discharge, threaten to discharge, intimidate, or coerce any permanent employee by reason of such employee's jury service, or the attendance or scheduled attendance in connection with such service, in any court of the United States. Any employer who violates the provisions of this section shall be subject to a civil penalty of not more than \$5,000 for each violation as to each employee, and may be ordered to perform community service.

20. Maintenance of Records.

After the master jury wheel is emptied and refilled pursuant to this Plan and after all persons selected to serve as jurors before the master wheel was emptied have completed service, the records and papers compiled and maintained by the Clerk with regard to the emptied master jury wheel, shall be preserved in the custody of the Clerk for four (4) years in accordance with 28 U.S.C. § 1868.

21. Effective Date.

This amended jury selection plan shall become effective upon such date after approval by the Reviewing Panel (Judicial Council of the Seventh Circuit), as the Panel shall direct, and if no such specific date is designated by the Panel, this plan shall become effective upon the date of its approval by the Panel. 28 U.S.C. § 1863(a).

/s/ Philip P. Simon  
Philip P. Simon, Chief Judge

/s/ William C. Lee  
William C. Lee, Judge

/s/ James T. Moody  
James T. Moody, Judge

/s/ Rudy Lozano  
Rudy Lozano, Judge

/s/ Robert L. Miller, Jr.  
Robert L. Miller, Jr., Judge

/s/ Theresa L. Springmann  
Theresa L. Springmann, Judge

/s/ Joseph S. Van Bokkelen  
Joseph S. Van Bokkelen, Judge

/s/ Jon E. DeGuilio  
Jon E. DeGuilio, Judge

Effective Date: December 4, 2014

The above final plan was adopted by the Court on October 31, 2014 pursuant to 28 U.S.C. § 1863(a) and approved by the reviewing panel on December 4, 2014 , pursuant to 28 U.S.C. § 1863(a). This plan shall become effective December 4, 2014, and shall remain in effect thereafter until superseded or amended.